THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19400 of 2005

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Dated:05.09.2005

Between:

M/s. Arya Vysya Abhudaya Sangam,

Rep. by its Secretary, Sri Soma Dayanand,
aged about 57 yrs, Occ: Business, R/o. H.No. 1-8-144 to 152,

Pender Ghast Road,
Secunderabad,

..... PETITIONER

AND

The Principal Secretary (Revenue), U.C.II Department,

(Urban Land Ceiling),
Secretariat, Hyderabad, and others.

.....RESPONDENTS

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ORDER:

The petitioner-Society purchased an extent of 4,935.67 square metres of land in Municipal Nos.1-8-144 to 152 under registered sale deeds. After coming into force of the Urban Land (Ceiling & Regulation) Act, 1976 (for short 'the Act'), the petitioner-Society filed a declaration under Section 6(1) of the Act, before the Special Officer and Competent Authority, the third respondent herein, who passed orders on 03.02.1997 determining 351.18 square metres. Aggrieved by the same, the petitioner preferred an appeal before the second respondent under Section 33 of the Act. It appears the appellate authority set aside the order of the original authority and remanded the matter for fresh consideration. Thereafter on fresh consideration, the third respondent issued orders under Section 8(4) of the Act determining the excess vacant land of 351.18 square metres. The petitioner-Society thereafter filed a revision petition under Section 34 of the Act before the first respondent. By impugned Memo dated 20.04.2005, the revision petition was dismissed on the ground that the petitioner has already availed the remedy of appeal under Section 33 of the Act.

The learned counsel for the petitioner submits that against the orders of the third respondent, dated 16.09.2003 (after remand by the second respondent), the petitioner-Society has not filed any appeal under Section 33 of the Act and therefore, the impugned order is illegal and improper. After getting instructions in the matter, the learned Assistant Government Pleader for Land Ceiling does not dispute the fact that against the orders of the Special Officer after remand, the petitioner-Society did not file any appeal under Section 33 of the Act.

In view of the factual position that the petitioner-Society did not file any appeal under Section 33 of the Act against the orders of the third respondent dated 16.09.2003, the revision petition was not barred.

Therefore, the writ petition is disposed of setting aside the impugned order, and the matter is remanded to the first respondent for fresh consideration on merits. No costs.

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(V.V.S.RAO, J)

05.09.2005

vs

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